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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,429

10/28/2003

David Mathieu

AUC-32815-1

9460

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EXAMINER

NGUYEN, PHONG H

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

07/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/695,429	MATHIEU ET AL.	
	Examiner	Art Unit	
	Phong H. Nguyen	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,30-32,40-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 40-42 and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 40, the phrase "without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard" is not supported by the original disclosure.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 40-42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthai et al. (5,702,415), hereinafter Matthai.

Art Unit: 3724

Regarding claim 40, Mathai teaches a blade-guard assembly (an entire cutting device 10) for a rotary trimmer comprising:

a cutting blade 9 having a plurality of apertures (Fig. 3),

a hub (12, 81; Fig. 2) connected to the cutting blade via the plurality of apertures,

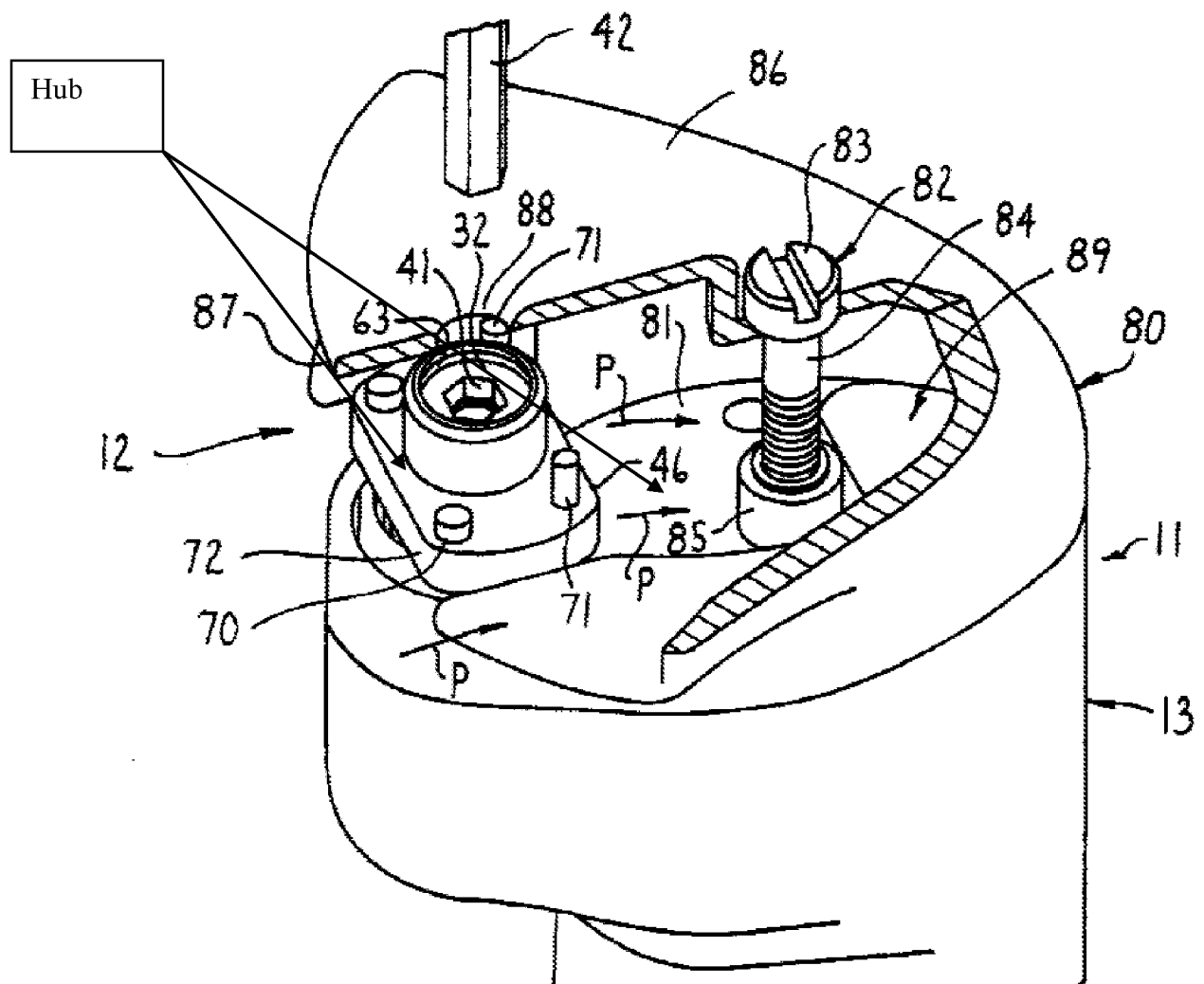
a blade guard 86 secured to the hub and forming a blade-guard assembly with the cutting blade 9, with the blade guard being connected to the cutting blade (through the hub), the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting, the blade-guard assembly being removable from, and placeable on, the rotary trimmer as a unit without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard.

As to the phrase “without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard”, when the entire cutting device 10 is replaced from or installed to a rotary trimmer, the entire cutting device 10, which is the blade guard assembly, is removable and placeable on the rotary trimmer as a unit “without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard.”

Regarding claims 41 and 42, a central aperture and a plurality of apertures are best seen in Fig. 1.

Regarding claim 44, see Fig. 2.

Art Unit: 3724



5. Claims 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulz et al. (5,765,289), hereinafter Schulz.

Regarding claim 40, Schulz teaches a blade-guard assembly for a rotary trimmer comprising:

Art Unit: 3724

a cutting blade 22 having a plurality of apertures (three small U-shaped apertures on the circumference of a big central aperture),

a hub 32 connected to the cutting blade via the plurality of apertures,

a blade guard 42 secured to the hub and forming a blade-guard assembly with the cutting blade 9, with the blade guard being connected to the cutting blade, the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting, the blade-guard assembly being removable from, and placeable on, the rotary trimmer as a unit.

As to the phrase “without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard”, when the hub 32, the blade guard 42 and the blade 22 are grouped together, they are able to be removed from or placed on the trimmer as a unit “without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard”.

Regarding claims 41 and 42, a big central aperture and three small apertures of the cutting blade 22 are best seen in Fig. 5.

Response to Arguments

6. Applicant's arguments filed 05/06/2011 have been fully considered but they are not persuasive.

Regarding the Applicant's argument with respect to Mathai, the entire cutting device in Mathai is considered as the blade guard assembly. When a replacement or an installment is

Art Unit: 3724

needed, the entire cutting device is replaced or installed. Therefore, during the replacement or the installment, the cutting blade is not disconnected from the hub the hub is not disconnected from the blade guard.

Regarding the Applicant's argument with respect to Schulz, the hub 32, the guard 42 and the blade 22 are grouped together as a unit. When a replacement or an installment is needed, the hub 32, the guard 42 and the blade 22 are removed from or placed on the trimmer all together. Therefore, the phrase "without the cutting blade being disconnected from the hub and without the hub being disconnected from the blade guard" is met.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3724

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong H. Nguyen whose telephone number is (571)272-4510.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Primary Examiner, Art Unit 3724
July 13, 2011